

Zoning Revision Committee
Meeting Minutes
May 26, 2016

Committee Members Present - Jim Noble, Suzanne Cahill, Kyla Haber, Joe Safford, Lee Molyneaux, Tony Argulewicz, Tamara Taylor, Frank Guido, Pat Murphy

Consultants Present – Dan Shuster, Stuart Turner

Others Present - Cassandra Burke, Bernie Matthews, Karen Winkle - Gorsline, Jennifer Shwartz-Berky, Tia McDowell, Henry Clayton, Gary Pennock, Ray Curran

Tony expressed concern with the discussion at the previous meeting regarding combining residential zones and the uses that would potentially be allowed in those zones, elimination of the lot and bulk table, and merging of limited office zones and manufacturing zones. D. Shuster assured him that the revisions that are made will need approval from the committee before moving forward. He explained that they would like to work on the format and that once there is something in writing, the group can discuss removal or wording changes.

D. Shuster told the Board that the focus of the meeting was to discuss affordable housing and the midtown zoning. These were two items identified in the Comprehensive Plan.

Affordable Housing

S. Turner explained that the Comp Plan expressed the desire to create affordable housing in the City of Kingston. Shuster/Turner presented a memo to the board outlining the approach. Affordable housing provisions already exist in the Mixed Use Overlay (20%) and the Traditional Neighborhood Development Overlay District (10%). There is no city wide requirement.

The Comp Plan states the following:

1.1.2 Require affordable housing for any new or expanded residential building or development project

1.1.5 Abandon the "Mixed Use Overlay District" in favor of citywide standards for adaptive reuse and affordable housing

The Shuster/Turner memo suggests the following:

- Add or move the following definitions to Section 405.2 definitions:

Affordable Housing Unit - A dwelling unit available at a cost of no more than 30% of the gross household income in the Ulster County median income.

Qualified Affordable Housing Occupant- An individual or family with household income between 8A – 120% of the median income with adjustment for family size as determined by the US Department of Housing & Urban Development for Ulster County.

Live Work Unit - A two story individually deeded unit consisting of commercial or office space on the ground level with a living unit on the above floor or floors which can be owner occupied and is leased for a permitted use regulated as a mixed-use building.

S. Turner explained that one of the ways to increase the amount of affordable housing is to require it in the code. The Shuster/Turner memo is suggesting the conversion of the Mixed Use Overlay District to an Affordable Housing Section that will address the required provision of affordable housing in all districts where adaptive reuse of buildings or multi-family developments of over five units is permitted. This could be required for rental units and/or

owned units. The percentage of affordable units should be discussed. Generally 10%-20% is standard in zoning codes that require it.

D. Shuster stated that there are essentially 5 questions to be answered by the group.

- Should affordable housing be mandated or incentivized in the code?
- Should it be in specific areas or citywide?
- What proportion of development?
- Should there be a buyout option with proceeds being placed in a "housing trust?"
- How or who administers it?

T. Argulewicz presented a hypothetical example where a developer could potentially purchase the Meagher Elementary School and create 10 townhouse units. The building only allows for 10 units but 20% have to be affordable. This type of requirement would mandate that the developer would need to sell 2 units for less money than the other 8 units. How would it effect the sale of the more expensive units? Would it discourage someone from wanting to invest millions of dollars into a building? D. Shuster and S. Turner acknowledged that the group will have a lot to decide and suggested that incentives may be used to encourage development, including density bonuses or other incentives.

S. Cahill introduced Cassandra Burke, an intern with interest in affordable housing. Cassandra went through a PowerPoint presentation that she had prepared on incentive zoning and what opportunities Kingston has in implementing it during the zoning revisions. Inclusionary zoning requires or entices developers to include affordable housing in residential developments. She referenced the Three County Regional Housing Needs Assessment (Ulster, Dutchess, Orange). The affordability gap for Kingston was 1461 in 2006 and was projected to be 2,328 by 2020. The median area income was \$58,592 for Ulster County and \$41,719 for Kingston in 2010. Incentives for development include density bonuses and expedited approvals. Opt-out fees could also be offered. Over 400 jurisdictions have implemented inclusionary zoning. Poughkeepsie and Newburgh have inclusionary zoning in their comp plans.

Concerns about affordable housing mandates and/or incentives

- Who is going to oversee it? T. Argulewicz said that it could be dealt with in a similar system to free lunch, where owners would need to supply information yearly. In this case it would require rent statements. How will this be managed? Will it be done by a department or an outside entity? If there are incentives, what precautions will be taken to ensure that the rents stay affordable and that the designated apartments remain designated?
- It is important that affordable home ownership remains a goal. We don't want to create a system where tax incentives are given to create affordable rentals at the expense of taxes for home owners becoming too costly. We don't want to create a system where renters are never able to afford to purchase a home.
- Karen Winkle, a member of the public, mentioned the importance of sweat equity. Youthbuild and Habitat for Humanity are important programs that build skills and teach home maintenance while providing affordable housing. Programs for rehabilitation are important for people that want to stay in their homes.

D. Shuster asked the group whether they were interested in seeing draft wording for mandatory or incentivized affordable housing. The group agreed that there were concerns with financial incentives being used because of the effects that it may have on other property owners. They would like to see incentives that do not include tax impacts, i.e. density bonuses, buyout options, others ideas.

The group felt that including a buyout option was important and that the money collected could be used for affordable housing, community benefits, home buyer incentives, or rehabilitation projects.

D. Shuster asked how the group felt about the percentage requirement for affordable housing in residential projects. The % requirement could be part of the discussion for each project. Incentives could increase as percent of affordable units increases.

Midtown Zoning

D. Shuster explained that the approach to the midtown zoning was to try to create regulations that allow for and encourage mixed use, urban development. He said that the goal is to create a picture of how midtown should be and implement the vision. The group reviewed the Proposed Kingston Zoning Law Excerpt document created by Shuster/Turner dated 5/17/16.

T. Argulewicz wanted to make sure that the group be aware of the possibility to create unintended consequences.

D. Shuster handed out a map of the proposed Midtown Urban Core District. He also pointed out the graphic showing different building heights and street frontages. D. Shuster explained that the goal is to create design criteria to get what you want.

F. Guido added the he would like to see the City of Kingston promote economic development in midtown.